

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

APPEAL FROM ORDER No 163 of 1996

with

Civil Application No.3167/96

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?
(1 to 5 No.)

BAVABHAI HAMIRBHAI LAKHANI

Versus

SHAH BHARATKUMAR GOVARDHANDAS

Appearance:

MR AMAR D MITHANI for the appellant .

MR.RASHMI CHHAYA FOR M/S NANA VATY ADVOCATES for the respondent.

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 16/08/96

ORAL JUDGEMENT

Admit.

At the request of the learned Advocates for the parties this matter is finally heard to-day.

Mr. Chhaya for the respondent has stated that the impugned order may be quashed and for that purpose he

does not insist for a reasoned order on the ground that the same may come in the way of the suit filed by the respondent. Accordingly, without assigning the reasons and considering the statement made by the learned Advocate for the respondent, the appeal is allowed. The impugned order dated 29-2-96 passed below application, Ex.5, by the learned 2nd Joint Civil Judge (S.D.), Junagadh, is set aside. However, the appellant is directed not to transfer or assigne the suit property in favour of any third party or create any encumbrance thereon till the disposal of the suit. In view of the peculiar facts and circumstances of this case, the suit is directed to be expedited.

In view of the above, notice is discharged with no order as to costs in Civil Application No.3167/96. Ad-interim relief stands vacated.

True copy